



MINUTES

**CITY OF SCOTTSDALE FIRE LOCAL BOARD OF THE
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS)
10:00 a.m., Thursday, January 17, 2013
Police and Fire Department Headquarters—Operations Room
8401 E. Indian School Road
Scottsdale, Arizona 85251**

PRESENT: Jeffrey Burg, Citizen Member
Todd Cavner, Elected Member
Steve Springborn, Elected Member

ABSENT: Jack Cross, Chairman/Mayoral Designee
Velicia McMillan Humes, Citizen Member/Merit Head

STAFF: Chanda Washington

OTHERS: Hannah Auckland, Esq.
Fire Captain Rick Hanson
Bill Hulen

Call to order

Board Member Springborn called the meeting to order at 10:08 a.m. Ms. Washington acknowledged that Chairman Cross and Board Member McMillan Humes were absent.

Board Member Springborn recommended that the Board make a motion appointing a Board Member to chair today's meeting.

BOARD MEMBER SPRINGBORN MOVED TO APPROVE THE APPOINTMENT OF HIMSELF AS ACTING CHAIRPERSON FOR THE JANUARY 17, 2013 PSPRS FIRE BOARD MEETING. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF THREE (3) TO ZERO (0). CHAIRMAN CROSS AND BOARD MEMBER MCMILLAN HUMES WERE ABSENT.

Roll call

A formal roll call confirmed the members present as stated above.

Possible Executive Session:

Executive Session may occur at any time during this meeting.

1. Review and approval of meeting minutes—November 21, 2012

BOARD MEMBER SPRINGBORN MOVED TO APPROVE THE REGULAR MEETING MINUTES OF THE NOVEMBER 21, 2012 PSPRS FIRE LOCAL BOARD MEETING AS PRESENTED. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF THREE (3) TO ZERO (0). CHAIRMAN CROSS AND BOARD MEMBER MCMILLAN HUMES WERE ABSENT.

2. Induction of new Scottsdale firefighters into PSPRS

Ms. Washington reported that there were no new Scottsdale firefighters to induct into the PSPRS at this time.

3. Discussion and vote on the Accidental Disability Retirement Application of Fire Captain Rick L. Hanson

Board Member Springborn reminded the Board that Fire Captain Rick L. Hanson had not signed a confidentiality waiver, noting that any discussion related to his medical information must occur during executive session.

In response to Board Member Springborn's inquiry regarding whether the Board had reviewed the Applicant's documentation, Board Members Burg and Cavner responded yes. The consensus of the Board was to not hold an executive session.

Ms. Washington reported that all of the Applicant's paperwork was in order, noting that the application and IME report was supplied to Board Members in their notebooks.

In response to Board Member Springborn's inquiry regarding whether there was any legal matters to be addressed by the Board before taking a vote on this application, Ms. Auckland said there were not, confirming that the Applicant had not signed a confidentiality waiver

Board Member Springborn invited Fire Captain Hanson to offer any comments or additional information that he deemed necessary for his application.

Fire Captain Hanson opined that the Board had all of the records, pointing out that the IME was self-explanatory. He stated that it has been tough road over the last couple of months, and that there was a long road ahead of him. Fire Captain Hanson expressed his appreciation of all of the support he has received during this process.

Ms. Auckland confirmed that it was unnecessary to swear in the Applicant since the Board Members had no questions for him.

BOARD MEMBER CAVNER MOVED TO APPROVE THE ACCIDENTAL DISABILITY RETIREMENT PENSION OF FIRE CAPTAIN RICK L. HANSON SINCE HE DOES MEET THE STATUTORY REQUIREMENTS, SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS.

BOARD MEMBER BURG SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF THREE (3) TO ZERO (0). CHAIRMAN CROSS AND BOARD MEMBER MCMILLAN HUMES WERE ABSENT.

(Off the record 10:12 a.m. to 10:14 a.m.)

Board Member Springborn expressed the Board's appreciation of Fire Captain Hanson's many years of service to the City of Scottsdale.

4. Discussion and vote on using Dr. Gary M. Prince through MCN or other City contracted vendors as the Board's examining physician for disability pension applications that involve a psychological condition

Board Member Springborn recalled that he previously requested that this topic be agendaized for today's meeting.

Ms. Washington explained that the Board could use Dr. Prince through either the City contract with Medical Consultants Network or the four other contracted vendors they are authorized to request physicians through.

Board Member Springborn opined that the fact that Dr. Prince has demonstrated that he truly understands the nuances and the legal aspects of the PSPRS pension system was an important factor in choosing the right physician to ensure a successful IME. He pointed out that an IME report which does not give clear answers to the questions the Board is statutorily required to ask is worthless.

Board Member Springborn recommended that the Board approve Dr. Prince as its primary IME physician to be used during disability pension applications involving psychological conditions, only using an alternate physician when he is unavailable.

Ms. Auckland reminded the Board that should Dr. Prince be an applicant's current physician, the Board must select a different IME physician. The consensus of the Commission was to amend the motion to reflect legal counsel's comment.

BOARD MEMBER BURG MOVED TO APPROVE THE USE OF DR. GARY M. PRINCE THROUGH MCN OR OTHER CITY CONTRACTED VENDORS AS THE BOARD'S EXAMINING PHYSICIAN FOR DISABILITY PENSION APPLICATIONS THAT INVOLVE A PSYCHOLOGICAL CONDITION, AS LONG AS HE IS NOT THE CURRENT PHYSICIAN OF THE APPLICANT. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF THREE (3) TO ZERO (0). CHAIRMAN CROSS AND BOARD MEMBER MCMILLAN HUMES WERE ABSENT.

5. Discussion and vote on the recently prepared PSPRS Fire Local Board 2012 Annual Report

Ms. Washington reported that in 2012 the City required that the Board prepare an annual report reflecting the number of cases it has reviewed as well as any other activities it has been involved in.

She summarized that in 2012 the Board approved the induction of 11 new firefighters into the PSPRS, made determinations on three applications for accidental disability retirements, approved one normal retirement application, and held a secret ballot election to re-elect two Board members whose terms had expired.

Ms. Washington stated that the Board also reviewed the PSPRS Actuarial Report as well as periodic reports regarding the transfer and purchase of service credits.

She elaborated that during 2012 the Board reviewed updates related to the legal standards governing causation and medical certainty that apply in the review of accidental disability retirement cases, as well as recently passed legislation and corresponding effects on benefits through the Arizona PSPRS.

Ms. Washington pointed out that the PSPRS Fire Local Board 2012 Annual Report also includes a list of the number of meetings each Board member attended, including the completion of the 2012 updated ethics training.

BOARD MEMBER CAVNER MOVED TO APPROVE THE PSPRS FIRE LOCAL BOARD 2012 ANNUAL REPORT AS PRESENTED. BOARD MEMBER BURG SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF THREE (3) TO ZERO (0). CHAIRMAN CROSS AND BOARD MEMBER MCMILLAN HUMES WERE ABSENT.

Ms. Washington suggested that the Board recess until 10:30 a.m., which was the scheduled time for the 2013 Ethics Training Update.

(Off the record 10:20 a.m. to 10:36 a.m.)

- 6. Ethics Training Session. The City Attorney's Office will conduct an ethics training session specific to City Officials, which will be simultaneously presented to the Police PSPRS Local Board and will be available to answer questions or facilitate any possible discussion related to the Ethics Code.**

Ms. Washington invited Mr. Hylen from the City's legal department to present the 2013 Ethics Training Update.

Mr. Hylen explained that the 2013 Ethics Training Update was approximately seven minutes long, noting that the Board was required to sign the Public Service Ethics Training form as well as the Personal Interest Disclosure form after the presentation.

(2013 Ethics Training Update occurred 10:38 a.m. to 10:45 a.m.)

In response to Board Member Springborn's inquiry, Mr. Hylen said he has been with the City for a little over a year. He has been assigned to present all future ethics training updates.

7. Discussion with Local Board Attorney of the method by which service transfer amounts are calculated by PSPRS. This discussion will include members of both the Fire and Police Local Boards.

Board Member Springborn recommended that agenda item 7 be tabled until the February 2013 meeting.

Ms. Auckland stated that she needs more time to gather additional information on the matter.

BOARD MEMBER BURG MOVED TO TABLE AGENDA ITEM 7 UNTIL A FUTURE BOARD MEETING. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF THREE (3) TO ZERO (0). CHAIRMAN CROSS AND BOARD MEMBER MCMILLAN HUMES WERE ABSENT.

ADJOURNMENT

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 10:47 a.m.

Respectfully Submitted by:

REVIEWED BY:

Ken Nemec
PSPRS Fire Local Board Secretary

Jack Cross
PSPRS Chairman/Mayoral Designee